

ORDINANCE NO. 368

AN ORDINANCE IN THE MATTER OF ADOPTING THE TOWN OF HAMILTON SHORELINE
MASTER PROGRAM

COMPREHENSIVE UPDATE AND PERIODIC REVIEW
REQUIRED BY RCW 90.58.080(2) and RCW 90.58.080(4)

WHEREAS, the Shoreline Management Act (SMA) requires the Town of Hamilton to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the Town of Hamilton is in the process of adopting a comprehensive SMP update as required by RCW 90.58.080(2), and

WHEREAS, RCW 90.58.080(4) requires the Town of Hamilton to periodically review and, if necessary, revise the master program on or before June 30, 2021; and

WHEREAS, in cooperation with our partner, the Washington State Department of Ecology, the Town of Hamilton, in partnership with Skagit County, has combined the Comprehensive SMP Update with the Periodic Review; and

WHEREAS, the review process is intended to develop a SMP document that meets the current state rules and guidelines and the most current scientific and technical information available (comprehensive update), to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, to ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data (periodic review); and

WHEREAS, the Town of Hamilton began the Comprehensive SMP Update process in 2010. The proposal went through the public process with the Town Council holding a public hearing and reviewing and considering all comments received in 2021. Concurrent with Skagit County's SMP Comprehensive and Periodic Update process, the project was put on hold in Fall of 2016, so final local adoption of the SMP Comprehensive Update did not occur; and

WHEREAS, in conjunction with Skagit County, the Town of Hamilton developed public participation plans for the initial comprehensive update and the combined comprehensive update and periodic review in accordance with Washington Administrative Code (WAC) 365-196-600(3) and WAC 173-26-090(3)(a) respectively, to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the Town of Hamilton, in conjunction with Skagit County, has followed its adopted public participation programs, including

Comprehensive Update (2010 -2016)

- Notice mailed to all unincorporated county landowners (2011)
- Skagit County Shoreline Advisory Committee appointed and working (Sep 2011 – May 2012)
- A series of County-wide visioning workshops (May – July 2011)
- Informal public comment period on first working draft for Skagit County (June 2012)
- A series of County-wide open houses (May – June 2013)
- An SMP Update website was created on Skagit County website

Comprehensive Update and Periodic Review (2020 – present)

- Established County-wide online open house website, outside the County's main website for a more robust, interactive public process (Jan 2021)
- Held County-wide virtual monthly public meetings, with discussion of topics and question and answer sessions (Jan - May 2021)
- Public review release draft, comment period and public hearing (April 2021); and

WHEREAS, the Town of Hamilton used Ecology's checklist for comprehensive SMP updates and checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the Town of Hamilton has reviewed the comprehensive plan and development regulations so that the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, the Town of Hamilton considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, the Town of Hamilton Town Council completed a review of staff recommendations and prepared initial SMP amendments; and

WHEREAS, the Town of Hamilton consulted with the Department of Ecology early and often during the drafting of the amendments. The Town of Hamilton worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26; and

WHEREAS, the Town of Hamilton conducted formal public comment periods in compliance with requirements of WAC 173-26-100; and

WHEREAS, the Town of Hamilton published legal notices in the Skagit Valley Herald on

- April 20, 2021, for a public hearing before the Town Council to address the combined comprehensive update and periodic review, in accordance with WAC 173-26-100 and WAC 173-26-090(3)(c)(ii); and

WHEREAS, the Town Council took public testimony and written comments on the proposed comprehensive update and periodic review recommendation(s) at a public hearing on

- April 20, 2021, virtually for the combined comprehensive update and periodic review; and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared based upon the Town Council Public Hearing Draft SMP, and the Town of Hamilton SEPA responsible official (Town Clerk/Treasurer) issued and circulated a copy of environmental checklist and a Determination of NonSignificance (DNS) on

- May 20, 2021 for the combined comprehensive update and periodic review; and

WHEREAS, after considering all public comments and evidence, the Town Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the Town of Hamilton's required process for the comprehensive update and periodic review in accordance with RCW 90.58.080(2) and (4), respectively and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Review and Evaluation. the Town of Hamilton hereby finds that the review and evaluation required by RCW 90.58.080(2) and RCW 90.58.080(4) have occurred, as described in the recitals above.

Section 2. Revisions. The Town of Hamilton finds that the Town of Hamilton Shoreline Master Program, Official Shoreline Maps, and Restoration Plan are hereby amended to read as set forth in Exhibit 1 attached to this ordinance and incorporated herein by this reference.

Section 3. Adoption. The Town of Hamilton hereby finds that the above referenced SMP set forth in Exhibit 1 attached to this ordinance is consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments and gives notice to the Department of Ecology of their intention to adopt said SMP.

Section 4. Submission to Department of Ecology. The administrator or their designee is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval prior to formal adoption.

Section 5. Effective Date. The amendments to the SMP adopted through (ordinance) shall be effective 14 days after Department of Ecology final action as provided by RCW 90.58.090(7)

Adopted this 15th day of November, 2022


Mandi Bates, Mayor

ATTEST:


Kym Elderidge, Clerk/Treasurer

Sign

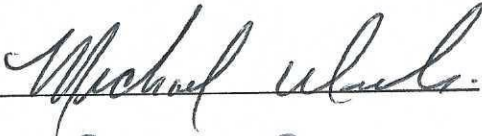
Tim Morrison

Council #1



Mike Ulrich

Council #2



Andrea Adams

Council #3



Karin Vail

Council #4



Alyssa Boots

Council #5

